

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-81440-CIV-DAMIAN

CARL CLARKE,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC., *et al.*,

Defendants.

ORDER GRANTING MOTION TO COMPEL ARBITRATION

THIS CAUSE came before the Court upon Defendant, Citibank N.A.'s ("Citibank"), Motion to Compel Arbitration and Stay Proceedings, filed February 28, 2025 [ECF No. 32], (the "Motion"). Pursuant to Local Rule 7.1(c)(1), Plaintiff was required to respond to the Motion within fourteen (14) days of its filing. Failure to respond within that time is sufficient cause to grant the Motion. *Id.* The time for Plaintiff to respond to the Motion has passed and, to date, Plaintiff has not filed a response nor requested an extension of time to do so.

Additionally, on March 26, this Court issued an Order to Show Cause on Failure to File Response [ECF No. 37 (the "Order")], which ordered Plaintiff to show cause in writing no later than March 31, 2025, why the Motion should not be granted based on Plaintiff's failure to timely respond, warning that "[f]ailure to timely comply with the instant Order **will result in the granting of the Motion** without further notice and may result in additional sanctions." ECF No. 37 (emphasis added). The time for Plaintiff to respond to the Order has passed and, to date, Plaintiff has not filed a response nor requested an extension of time to do so.

This Court has reviewed the Motion and the pertinent portions of the record and is otherwise fully advised. This Court finds that (1) the Federal Arbitration Act, 9 U.S.C. § 1, et

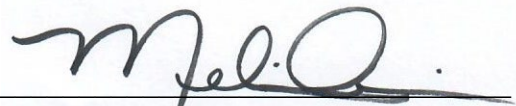
seq. (the “FAA”) applies; (2) the Arbitration Agreement is valid and enforceable; (3) the alleged claims fall squarely within the scope of the Arbitration Agreement, and (4) Citibank has not waived its right to compel arbitration as this Motion has been filed at the beginning of this case, prior to engaging in any discovery or motion practice, and it expressly reserved its right to compel arbitration in its Answer and Affirmative Defenses to Plaintiff’s Complaint. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Motion [ECF No. 32] is **GRANTED**.

The parties shall arbitrate the claims. It is further

ORDERED that this case is **STAYED** pending the conclusion of arbitration or further order of this Court, the Clerk of the Court is directed to **CLOSE** this case for administrative and statistical purposes, and all pending motions are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers in the Southern District of Florida this 1st day of April, 2025.


MELISSA DAMIAN
UNITED STATES DISTRICT JUDGE